

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)

ART SHY, et al.	)	
	)	
	)	
Plaintiffs,	)	Case No. 3:93-CV-00333
	)	
vs.	)	District Judge Walter H. Rice
	)	
NAVISTAR INTERNATIONAL	)	
CORPORATION, et al.	)	
	)	
Defendants.	)	
	)	
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SUPPLEMENTAL BENEFIT	)	
COMMITTEE OF THE NAVISTAR	)	
INTERNATIONAL TRANSPORTATION	)	
CORPORATION RETIREE	)	
SUPPLEMENTAL BENEFIT	)	
PROGRAM,	)	
	)	UNOPPOSED MOTION FOR
Plaintiff,	)	EXTENSION OF TIME TO ANSWER
	)	INTERVENOR-PLAINTIFF'S
vs.	)	COMPLAINT OR OTHERWISE
	)	PLEAD AND TO RESPOND TO
	)	INTERVENOR-PLAINTIFF'S
NAVISTAR INTERNATIONAL	)	MOTION TO ENFORCE THE
CORPORATION,	)	<u>SETTLEMENT AGREEMENT</u>
	)	
Defendant.	)	

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Navistar International Corporation ("NIC"), through its undersigned counsel, respectfully moves for a brief extension of time to Answer or otherwise respond to the Complaint (Docket No. 415) filed by the Supplemental Benefit Committee of the Navistar International Transportation Corporation Retiree Supplemental Benefit Program ("SBC") and a brief extension of time to respond to SBC's Motion to Enforce the Settlement Agreement (Docket No. 395). NIC requests that the deadlines for both responses be extended to March 15, 2013.

In support of its Motion, NIC states the following:

1. On March 23, 2012, SBC filed its Motion to Intervene in the captioned case, Docket No. 394. On March 26, 2012, the SBC filed its Motion to Enforce the Settlement Agreement, Docket No. 395.

2. On February 6, 2013, the Court granted SBC's Motion to Intervene and ordered SBC to file its Complaint within 10 days. The Court also ordered NIC to file its response to SBC's Motion to Enforce the Settlement Agreement within 14 days.

3. SBC filed its Complaint on February 15, 2013. Under Federal Rules of Civil Procedure Rule 12(a)(1)(A), NIC must Answer the Complaint or otherwise plead by March 8, 2013.

4. Given the substance of the issues raised in the Complaint and the Motion to Enforce, NIC respectfully requests that both deadlines be extended up to and including March 15, 2013.

5. Pursuant to Local Rule 7.3(a), NIC's counsel have consulted in good faith with counsel for SBC, and SBC does not oppose this Motion.

6. This motion is brought in good faith, and not for the purpose of unnecessary delay.

WHEREFORE, NIC respectfully asks the Court to grant it until March 15, 2013 to Answer or otherwise respond to SBC's Complaint, and to respond to SBC's Motion to Enforce the Settlement Agreement.

Respectfully submitted,

s/ David P. Pierce

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of February 2013 a copy of the foregoing *UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER INTERVENOR-PLAINTIFF'S COMPLAINT OR OTHERWISE PLEAD AND TO RESPOND TO INTERVENOR-PLAINTIFF'S MOTION TO ENFORCE THE SETTLEMNT AGREEMENT* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's CM/ECF and copies will be mailed via U.S. Mail, postage prepaid, to those parties to whom electronic notice has not been sent. Parties may access the filing through the Court's system.

s/ David P. Pierce  
David P. Pierce

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